

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDULKADIR OMAR,

Plaintiff,

v.

AMERICAN PATRIOT SECURITY
& INVESTIGATION, INC., *et al.*,

Defendants.

No. C11-1181RSL

ORDER DENYING SECOND
MOTION TO ENFORCE COURT'S
ORDER


This matter comes before the Court on "Plaintiff's Second Motion to Enforce Court's Order." Dkt. # 66. Plaintiff seeks entry of default judgment against defendant Nichole Smith for failure to comply with the case management order deadlines.

The Court has already entered default against Ms. Smith (Dkt. # 70): the well-pleaded allegations of the complaint relating to her liability are therefore taken as true. Although Ms. Smith is deemed to have admitted all allegations in the complaint pertaining to liability, she is not bound by allegations as to the amount of damages. See TeleVideo System, Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987); Danning v. Lavine, 572 F.2d 1386, 1389 (9th Cir. 1978); Dundee Cement Co. v. Howard Pipe & Concrete Prods., Inc., 722 F.2d 1319, 1323 (7th Cir. 1983). In addition, "necessary facts not contained in the pleadings, and claims which are legally insufficient, are not established by default." Cripps v. Life Ins. Co., 980 F.2d 1261, 1267 (9th Cir. 1992).

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TO ENFORCE COURT'S ORDER

1 Plaintiff has not shown how the factual allegations of his complaint establish each
2 of the causes of action alleged against Ms. Smith, nor has he offered any evidence regarding
3 damages. The request for entry of default judgment is, therefore, DENIED.

4 Dated this 19th day of June, 2013.

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7 Robert S. Lasnik
8 United States District Judge
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